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Entered on Docket
November 01, 2007

A handwritten signature in black ink, appearing to read "R. Linda Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

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38 In re:
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40 USA COMMERCIAL MORTGAGE COMPANY,
41 USA CAPITAL REALTY ADVISORS, LLC,
42 USA CAPITAL DIVERSIFIED TRUST DEED
43 FUND, LLC,
44 USA CAPITAL FIRST TRUST DEED FUND, LLC,
45 USA SECURITIES, LLC,

46 Debtors.

47 Case No. BK-S-06-10725-LBR
48 Case No. BK-S-06-10726-LBR
49 Case No. BK-S-06-10727-LBR
50 Case No. BK-S-06-10728-LBR
51 Case No. BK-S-06-10729-LBR

52 **CHAPTER 11**

53 Jointly Administered Under
54 Case No. BK-S-06-10725 LBR

55 **ORDER SUSTAINING OBJECTION OF
56 USACM TRUST TO WILLIAM AND
57 CAROLYN BOLDING'S CLAIM FILED
58 IN WRONG DEBTOR'S CASE; AND
59 SUSTAINING OBJECTION OF DTDF TO
60 PROPOSED ALLOWANCE OF CLAIM**

61 Hearing Date: October 15, 2007
62 Hearing Time: 9:30 a.m.

63 **Affects:**

64 All Debtors
65 USA Commercial Mortgage Company
66 USA Capital Realty Advisors, LLC
67 USA Capital Diversified Trust Deed Fund, LLC
68 USA Capital First Trust Deed Fund, LLC
69 USA Securities, LLC



1 The Court having considered the "Objection of USACM Trust to William and
 2 Carolyn Bolding's Claim Filed in Wrong Debtor's Case; Objection of DTDF to Proposed
 3 Allowance of Claim" [Docket No. 4703] (the "Objection"); with appearances as set forth
 4 in the record at the hearing noted above; appropriate notice of the Objection having been
 5 given; no response to the Objection having been filed; and good cause appearing:

6 **IT IS HEREBY ORDERED** that:

7 1. The Objection is sustained;
 8 2. Proof of Claim No. 10725-01275 is disallowed in its entirety as against USA
 9 Commercial Mortgage and USA Capital Diversified Trust Deed Fund, LLC ("DTDF");
 10 and
 11 3. William and Carolyn Bolding's equity interest in DTDF is allowed in the
 12 amount of \$48,047.32, as reflected in DTDF's books and records as of April 13, 2006.

13 PREPARED AND RESPECTFULLY SUBMITTED BY:

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RULE 9021 DECLARATION

In accordance with Local Rule 9021, the undersigned certifies:

- The Court waived the requirements of LR 9021.
- I have delivered a copy of the proposed order to the Office of the United States Trustee and the parties who filed papers in response to the Objection or appeared at the hearing noted above, and each has:
 - approved the form of this order; and/or
 - waived the right to review the order; and/or
 - failed to file and serve papers in accordance with LR 9021(c); and the following have disapproved the form of the order:
n/a
- No opposition was filed to the objection and no other party or counsel appeared at the hearing.

LEWIS AND ROCA, LLP

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